

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3532 of 1986

Date of decision: 10-3-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PC PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BB NAIK for Petitioner

Mr. L. R. Pujari for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/03/98

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The respondent - State has not filed any reply to the special civil application. The petitioner, an Assistant Engineer of the Sabarkantha District Panchayat, has filed this special civil application and twofold prayer has been made therein. The first prayer made is for quashing and setting aside the decision of the respondents to hold disciplinary inquiry against the petitioner on the alleged misconduct of creating hindrance in the scarcity relief works by not taking the measurements. The second prayer is for quashing and setting aside the order dated 8-7-1986 under which the petitioner was placed under suspension in contemplation of departmental inquiry.

2. This petition has been admitted by this Court on 21st August, 1986. By way of interim relief, operation and implementation of the order of suspension of the petitioner was kept in abeyance till further orders. So the suspension order was not given effect to for all these years by the respondents. So far as the inquiry part is concerned, it is clear from the proceedings of this special civil application that the same was not stayed. So there is all possibility that by this time the inquiry would have been completed. Learned counsel for the petitioner as well as the State are unable to throw any light on this aspect. In view of the fact that for all these years the order of suspension was not given effect to, and there is all possibility that the inquiry would have been completed by now, this special civil application has become infructuous.

3. In the result this special civil application is dismissed as having become infructuous. However, it is made clear that in case the petitioner has been punished in the departmental inquiry, then the respondents are at liberty to pass appropriate orders regarding suspension. Rule discharged. Interim relief granted earlier stands vacated.

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